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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA and )	2:04-CV-1053 GEB JFM
THE STATE OF CALIFORNIA )	
<u>ex rel.</u> KEITH JAMES, )	
)	<b>ORDER [Proposed]</b>
Plaintiff, )	
)	
v. )	
)	<b>FILED UNDER SEAL</b>
MED-MART, INC.; PACIFIC )	
PULMONARY SERVICES, et al., )	
)	
Defendants. )	
)	

The United States and the State of California having declined to intervene in this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), and California Government Code § 12652(c)(6)(B), the Court rules as follows:

1 IT IS ORDERED that

2 1. The complaint be unsealed and served upon the  
3 defendant by the relator;

4 2. All other contents of the Court's file in this  
5 action remain under seal and not be made public or served  
6 upon the defendant, except for this Order and the United  
7 States of America's and the State of California's Joint  
8 Notice of Election to Decline Intervention, which the  
9 relator will serve upon the defendant only after service of  
10 the complaint;

11 3. The seal be lifted as to all other matters  
12 occurring in this action after the date of this Order;

13 4. The parties shall serve all pleadings and motions  
14 filed in this action, including supporting memoranda, upon  
15 the United States, as provided for in 31 U.S.C.  
16 § 3730(c)(3), and upon the States of California, as provided  
17 for in California Government Code § 12652(f)(1). The United  
18 States and the State of California may order any deposition  
19 transcripts and are entitled to intervene in this action,  
20 for good cause, at any time;

21 5. All orders of this Court shall be sent to the  
22 United States and to the State of California, and that

23 6. Should the relator or the defendant propose that  
24 this action be dismissed, settled, or otherwise  
25 discontinued, the Court will provide the United States and  
26 the State of California with notice and an opportunity to be

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1 heard before ruling or granting its approval.

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3 IT IS SO ORDERED.

4 Dated: March 10, 2006

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/s/ Garland E. Burrell, Jr.  
GARLAND E. BURRELL, JR.  
United States District Judge

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